IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3621 of 2007()

(CRIME NO. 125/2007 of MEENANGADI POLICE STATION
CMP NO. 640/2007 of SESSIONS COURT, WAYANAD)

APPLICANT/ACCUSED

SOORAJ, S/O. PEETHAMBARAN,
AGED 25 YEARS, THANIMALAYIL HOUSE,
PALAKKAMOOLA, ORAPPUVAYAL, PURAKKADI AMSOM,
WAYANAD.

BY ADV. SRI.KRISHNA PRASAD. S
SRI. SUJITH P. SURENDRAN

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE SUB INSPECTOR OF POLICE,
MEENANGADI POLICE STATION, MEENANGADI.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3621 of 2007

Dated this the 20th day of June, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 376 I.P.C and Section 3(2)(v) of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. The victim of the alleged rape is a girl belonging to the scheduled caste community, born on 18.05.1992. The petitioner is admittedly a neighbour, an unmarried person and aged about 25 years. The alleged rape had taken place in the residential compound of the victim. Investigation is in progress. The petitioner remains in custody from 17.05.2007.

2. The learned counsel for the petitioner submits that as a matter of fact there was no element of rape at all and that the allegations have been made without any justification. Consent, even if that be the admitted offence, is irrelevant as the girl is below the age of consent. However, I take note of the fact that the petitioner is also a young man, aged about 25 years and that he has been remained in custody from 17.05.07, subject to appropriate conditions, I am satisfied that the petitioner can be released on bail.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays until further orders;

iii) The petitioner shall not enter the jurisdiction of Meenangadi Police Station until further orders except for the purpose of complying with condition No.(ii) above.

(R.BASANT, JUDGE)

rtr/-